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[REDACTED]

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

[REDACTED]

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**PRELIMINARY RECITALS**

Pursuant to a petition filed August 12, 2015, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Milwaukee Enrollment Services in regard to FoodShare benefits (FS), a hearing was held on September 01, 2015, at Milwaukee, Wisconsin.

The issue for determination is whether the respondent correctly determined petitioner's FS allotment for July, 2015.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

Department of Health Services  
1 West Wilson Street, Room 651  
Madison, Wisconsin 53703

By: [REDACTED]  
Milwaukee Enrollment Services  
1220 W Vliet St, Room 106  
Milwaukee, WI 53205

**ADMINISTRATIVE LAW JUDGE:**

Peter McCombs  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. On June 4, 2015, the respondent received information regarding petitioner's employment income. As a result, petitioner's FS allotment for July was reduced to \$16.00

3. On August 6, 2015, petitioner called to complete her FS renewal. The respondent updated her case, and sent an August 12, 2015, notice indicating that petitioner's FS for August, 2015, would increase to \$211 (prorated from August 6, 2015).
4. The petitioner reported that she was no longer receiving child support on August 6, 2015.

### **DISCUSSION**

The amount of FoodShare one receives depends upon household size and net income. The county agency increased the petitioner's FoodShare allotment in August, 2015. She seeks to have the increase begin in July, 2015. On August 6, 2015, the petitioner reported that she no longer received the child support that had previously been included in her budget. This affected her FoodShare allotment because she had been receiving \$142.74 in child support per month. The agency responded by increasing her allotment as of August 6, 2015. She does not challenge the agency's calculations but contends that the increase should have occurred in July rather than August.

Regardless of whether she asserts that FoodShare changes take place the month she reports, her claim is wrong. Federal FoodShare regulations allow state agencies to act on changes in income and deductions the month after they are reported. 7 CFR § 273.12(c)(2). Wisconsin's FoodShare policy written to carry out this regulation states: "All reported changes that cause an increase in the FS benefit including...will be effective the first of the month following the report month..." *FoodShare Wisconsin Handbook*, § 6.1.3.3. Because FoodShare rules hold that changes in benefits occur the month after they are reported, the agency correctly waited until August 6, 2015, to increase the petitioner's FoodShare allotment.

### **CONCLUSIONS OF LAW**

The county agency correctly increased the petitioner's FoodShare allotment effective August 6, 2015, after she reported a decrease in child support income.

**THEREFORE, it is**

**ORDERED**

The petitioner's appeal is dismissed.

### **REQUEST FOR A REHEARING**

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

### **APPEAL TO COURT**

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of

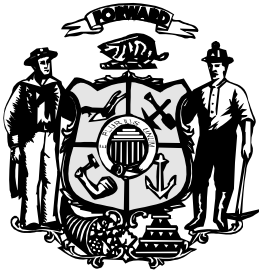
Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,  
Wisconsin, this 30th day of September, 2015

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\sPeter McCombs  
Administrative Law Judge  
Division of Hearings and Appeals



## State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on September 30, 2015.

Milwaukee Enrollment Services  
Division of Health Care Access and Accountability